

EXHIBIT B-1

CAUSE NO. _____

JOSE LUIS PEREZ, JR.	§	IN THE DISTRICT COURT
<i>PLAINTIFF,</i>	§	
	§	
VS.	§	____ JUDICIAL DISTRICT
	§	
RADOSLAW TYCZYNSKI , TPINE	§	
LEASING CAPITAL L.P. AND NFL	§	
NATIONAL FREIGHT LTD.	§	
<i>DEFENDANTS.</i>	§	JIM HOGG COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Comes Now Jose Luis Perez, Jr., hereinafter referred to as Plaintiff, complaining of and about Defendants Radoslaw Tyczynski, TPine Leasing Capital L.P. and NFL National Freight LTD., hereinafter referred to as Defendants, and for causes of action files this Plaintiff's Original Petition. In support thereof, Plaintiff would respectfully show unto the Court the following:

A. Tex.R.Civ.P. 47 Disclosure and Discovery Control Plan

1.1 Plaintiff seeks monetary relief over \$250,000.00 but not more than \$1,000,000.00. *Tex.R.Civ.P. 47*

1.2 Plaintiff intends to conduct discovery under Level 2 of the Texas Rules of Civil Procedure.

B. Parties and Service

2.1 Plaintiffs is an individual who resides in Brooks County, Texas.

2.2 Defendant Radoslaw Tyczynski is an individual residing in Mississauga,

Ontario. Defendant may be served at 3339 Council Ring Road, Unit 65, Mississauga, Ontario, Canada L5L 2A9. Plaintiff requests citation at this time and will be effected by private civil processor by certified mail.

2.3 Defendant TPine Leasing Capital L.P. is a Domestic Limited Partnership doing business in Texas. Defendant may be served with process by serving its registered agent Christopher Petersen at 4219 Green Meadow Street West, Colleyville, Texas 76034. Plaintiff request citation at this time and will serve Defendant through a private civil process server.

2.4 Defendant NFL National Freight LTD. is a Foreign Company doing business in Texas. Defendant may be served with process by serving its registered agent, Jeffrey Fultz at All American Agents of Process located at 1221 McKinney, Ste. 4300, Houston, Texas, 77010. Plaintiff requests citation at this time and will serve Defendant through a private civil process server.

C. Jurisdiction and Venue

3.1 This Court has subject matter jurisdiction over this action because Plaintiff seeks damages within the Court's jurisdictional limits.

3.2 Venue is proper in Jim Hogg County, Texas, under Texas Civil Practice and Remedies Code §15.002(a)(1) because all or a substantial part of the events or omissions giving rise to Plaintiff's cause of action occurred in Hebbronville, Jim Hogg County, Texas.

D. Facts

4.1 The statements above and below are incorporated and/or adopted here by reference as if set forth verbatim.

4.2 On or about October 15, 2019, Plaintiff Jose Luis Perez, Jr. suffered personal injuries and other damages when the vehicle which he was driving was struck by a vehicle operated by Defendant Radoslaw Tyczynski. The vehicle driven by Defendant Radoslaw Tyczynski was owned by Defendants TPine Leasing Capital L.P. and NFL National Freight LTD.. At the time of the wreck in question, Defendant Radoslaw Tyczynski was under the course and scope of his employment with Defendant TPine Leasing Capital L.P. and NFL National Freight LTD.

E. Causes of Action

5.1 The statements above and below are incorporated and/or adopted here by reference as if set forth verbatim.

Count One - Negligence

5.2 At the time of the collision, Defendant Radoslaw Tyczynski, as an employee and/or agent of Defendants TPine Leasing Capital L.P. and NFL National Freight LTD, was operating his vehicle negligently. Defendant Radoslaw Tyczynski had a duty to exercise ordinary care and operate his vehicle reasonably and prudently; he breached that duty in one or more of the following ways:

- a. Failing to drive in a single lane;
- b. Failing to obey the traffic laws and regulations as set forth in the Texas Transportation Code and NHTSA commercial safety guidelines;
- c. Failing to yield the right-of-way;
- d. Failing to be aware of his conditions and surroundings;
- e. Failing to turn to the vehicle to avoid the collision;

- f. Failing to control his speed; and/or
- g. Driver inattention.

5.3 Defendant Radoslaw Tyczynski' negligence proximately caused Plaintiff's injuries and other damages.

Count Two - Respondeat Superior

5.4 Because Defendant Radoslaw Tyczynski was an employee and/or agent of Defendants TPine Leasing Capital L.P. and NFL National Freight LTD, Plaintiff hereby invokes the doctrine of respondeat superior/vicarious liability, and seek to hold Defendants TPine Leasing Capital L.P. and NFL National Freight LTD, responsible for the acts or omissions of its employee and/or agent, Defendant Radoslaw Tyczynski, as if they were committed by Defendants TPine Leasing Capital L.P. and NFL National Freight LTD, itself.

Count Three - Negligent Retention and Supervision

5.5 As a cargo carrier over the roads of Texas, Defendants TPine Leasing Capital L.P. and NFL National Freight LTD, had a duty to retain only those drivers who were competent and were not reckless, incompetent and/or unlicensed. Defendants TPine Leasing Capital L.P. and NFL National Freight LTD, further had a duty to properly supervise those drivers it did employ.

5.6 Defendants TPine Leasing Capital L.P. and NFL National Freight LTD breached that duty by retaining drivers and employees who were not competent, and/or were reckless. Defendants TPine Leasing Capital L.P. and NFL National Freight LTD's breach proximately caused Plaintiff's injuries and other damages.

Prayer

Wherefore, premises considered, Plaintiff respectfully prays that Defendants be cited to appear and answer this suit, and that Plaintiff ultimately has judgment against Defendants for the following:

- a. Physical pain in the past and future;
- b. Mental anguish in the past and future;
- c. Physical impairment in the past and future;
- d. Medical expenses in the past and future;
- e. Lost wages;
- f. Costs of suit;
- g. Property damage, including loss of use and/or diminished value;
- h. Pre-judgment and post-judgment interest; and
- i. All other relief, at law or in equity, to which Plaintiff are entitled.

Respectfully submitted,

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